

**COURTROOM MINUTE SHEET**

DATE 8-31-2021

CIVIL NO. CIV-14-665 -F

Richard Glossip, et al. -vs- Randy Chandler, et al.

COMMENCED 10:00 ENDED 10:35 TOTAL TIME 35 min.

PROCEEDINGS Scheduling conference

JUDGE STEPHEN P. FRIOT DEPUTY LORI GRAY REPORTER \_\_\_\_\_

PLFS COUNSEL Dale Baich, Emma Rolls (both in person); and Jennifer Moreno, Michael Lieberman, Jim Stronski, Harry Cohen, Michael Robles, Alex Kursman, Lynne Leonard (all via phone)

DFTS COUNSEL Mithun Mansinghani, Andy Ferguson, Charles Dickson (all in person); and Randall Yates (via phone)

The court holds a scheduling conference with counsel.

The court inquires of counsel as to whether the trial of this case will take more than 5 trial days. Counsel for plaintiffs estimates (non-binding estimate) that plaintiffs will call 10-12 witnesses, including possibly 8 expert witnesses.

Defense counsel estimates (non-binding estimate) that defendants' case should take 2-3 days, with defendants calling 3 expert witnesses and 4 fact witnesses.

The court anticipates the trial being completed inside of 8 days, but emphasizes that the trial will continue until completed.

The court inquires of counsel as to preferences for a trial date – trial to begin the week of January 24, 2022 or trial to begin the week of February 28, 2022. Counsel for plaintiffs advises that one of their experts is not available the week of January 24. Plaintiffs request that the trial begin on February 28. Plaintiffs will have one witness to appear via VTC.

Defense counsel advises that defendants are available either week.

Defense counsel advises the court that defendants have asked the Court of Criminal Appeals to set execution dates – beginning in October 2021 – for the plaintiffs against whom judgment was entered. Said plaintiffs are objecting to the setting of execution dates. Defendants don't believe any clemency hearings will be an issue for the trial setting. Defendants raise the issue of whether the court will permit testimony with respect to any interim executions, which testimony, if permitted, would extend the trial.

The court sets a trial date of February 28, 2022.

Plaintiffs' trial brief is due January 18, 2022. Defendants' trial brief is due February 15, 2022. Plaintiffs may, if they choose, file a motion for leave to file a reply trial brief.

The due date for post-trial proposed findings of fact and conclusions of law will be set at the conclusion of the trial.

The court establishes a soft deadline of November 1, 2021, for any motions to file supplemental witness and exhibit lists which may be necessary in light of intervening material events. The court, noting the involvement of numerous counsel on both sides of this case, advises the parties to be prepared to participate on short notice in any necessary follow-up discovery in the event that additional witnesses or exhibits are listed, the point being that follow-up discovery will likely be permitted to the extent reasonably possible, but the trial setting will be protected.